



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRE APPLICATION OF: Reyes, *et al.*

APPLICATION NO.: 09/851,410

FILED: May 7, 2001

FOR: ENTERICALLY TRANSMITTED NON-A/NON-B HEPATITIS VIRAL
AGENT AND CHARACTERISTIC EPITOPES THEREOF

EXAMINER: Mosher, Mary

ART UNIT: 1648

CONF. NO: 2902

Terminal Disclaimer

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The United States of America, as represented by the Secretary of the Department of Health and Human Services AND Genelabs Technologies, Inc., Assignees of the entire right, title and interest in the above-identified patent application by virtue of Assignments recorded in the U.S. Patent and Trademark Office, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 5,741,490, 5,770,689, 5,824,649, 5,885,768, 6,214,970, 6,291,641, and U.S. patent application nos. 10/165,868 and 09/769,066.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- ☒ Enclosed is a check including the Terminal Disclaimer fee due under 37 C.F.R. § 1.20.
- ☒ Large entity (\$130.00)

Respectfully submitted,

Date:

August 26, 2005

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